

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	File No. EB-02-TC-010
	)	
CableOne, Inc.	)	CUID No. IA0084 (Sioux City)
	)	
Petition for Reconsideration	)	

**ORDER ON RECONSIDERATION**

**Adopted: May 6, 2002**

**Released: May 8, 2002**

By the Chief, Enforcement Bureau:<sup>1</sup>

1. In this Order, we consider a petition for reconsideration ("Petition") of Order, DA 98-1665 ("Prior Order").<sup>2</sup> In the Prior Order, the Cable Services Bureau resolved complaints against the above-referenced operator's ("Operator's")<sup>3</sup> cable programming services tier ("CPST") rates. In this Order, we reconsider and amend the Prior Order, and dismiss Operator's Petition as moot.

2. Under the provisions of the Communications Act<sup>4</sup> that were in effect at the time the referenced complaints were filed, the Federal Communications Commission ("Commission") is authorized to review the CPST rates of cable systems not subject to effective competition to ensure that rates charged are not unreasonable. The Cable Television Consumer Protection and Competition Act of 1992<sup>5</sup> ("1992 Cable Act") required the Commission to review CPST rates upon the filing of a valid complaint by a subscriber or local franchising authority ("LFA"). The filing of a complete and timely complaint triggers an obligation upon the cable operator to file a justification of its CPST rates.<sup>6</sup> The Operator has the burden of demonstrating that the CPST rates complained about are reasonable.<sup>7</sup> If the Commission finds a rate to be unreasonable, it shall determine the correct rate and any refund liability.<sup>8</sup>

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<sup>1</sup> Effective March 25, 2002, the Commission transferred responsibility for resolving cable programming services tier rate complaints from the former Cable Services Bureau to the Enforcement Bureau. *See Establishment of the Media Bureau, the Wireline Competition Bureau and the Consumer and Governmental Affairs Bureau, Reorganization of the International Bureau and Other Organizational Changes*, FCC 02-10, 17 FCC Rcd 4672 (2002).

<sup>2</sup> *In the Matter of CableOne, Inc.*, DA 98-1665, 13 FCC Rcd 18402 (CSB 1998).

<sup>3</sup> The term "Operator" includes Operator's successors and predecessors in interest.

<sup>4</sup> Communications Act, Section 623(c), *as amended*, 47 U.S.C. §543(c) (1996).

<sup>5</sup> Pub. L. No. 102-385, 106 Stat. 1460 (1992).

<sup>6</sup> *See* Section 76.956 of the Commission's rules, 47 C.F.R. §76.956.

<sup>7</sup> *Id.*

<sup>8</sup> *See* Section 76.957 of the Commission's rules, 47 C.F.R. § 76.957.

3. In response to Operator's Petition, we reviewed our Prior Order and the record and found that three complaints were filed against Operator's CPST rates, with the most recent complaint filed on December 22, 1993. In our Prior Order, we found that Operator justified its actual CPST rates through November 30, 1994. As there were no valid complaints received against Operator's CPST rates in effect after December 1, 1994, we will, on our own motion, amend our Prior Order to exclude the finding of any refund liability for the period beginning December 1, 1994, without addressing the merits of the arguments raised by Operator in its Petition. Because our review results in a finding of no refund liability, we dismiss Operator's Petition as moot.

4. Accordingly, IT IS ORDERED, pursuant to Sections 0.111 and 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111 and 0.311, that In the Matter of CableOne, Inc., DA 98-1665, 13 FCC Rcd 18402 (1998), IS AMENDED TO THE EXTENT INDICATED HEREIN.

5. IT IS FURTHER ORDERED, pursuant to Section 1.106 of the Commission's rules, 47 C.F.R. 1.106, that Operator's petition for reconsideration IS DISMISSED.

FEDERAL COMMUNICATIONS COMMISSION

David H. Solomon  
Chief, Enforcement Bureau